

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CARLOS PABÓN OTERO et al.

Plaintiffs,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO. 19-1403 (GLS)

ORDER

Plaintiff Carlos Pabón Otero filed a Complaint seeking review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his application for disability insurance benefits. Docket No. 3. The Complaint was amended to include co-Plaintiff Ezequiel Olivencia Fernández and other similarly situated, as part of a class action which was sought to be certified. Docket Nos. 7 and 23. The Commissioner asked for an extension of time to submit an answer to the Complaint but later moved the Court to enter an order reversing its final decision and remanding Plaintiffs Pabón and Olivencia’s cases to the Social Security Administration for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Docket Nos. 29 and 30. The Court granted the Commissioner’s request and entered Judgment remanding Plaintiffs’ disability insurance benefits claim for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. Section 405(g). Docket Nos. 31 and 32.

On May 18, 2020, Plaintiffs moved for attorney’s fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(“EAJA”). Docket No. 33. Despite requesting two extensions of time, the Commissioner did not file an opposition to Plaintiffs’ request. Docket Nos. 34-37. On July 18, 2020, Plaintiffs filed an amended request for attorneys’ fees under the EAJA and informed the Court that, after engaging in settlement discussions with the Commissioner, the parties agreed to a negotiated fee in the amount of \$6,598.55, corresponding to \$6,198.55 in attorneys’ fees and \$400.00 in costs. Docket No. 38. The parties also agreed that the fees may be paid directly to Plaintiffs’ attorney, and that no offsets would be made of any debts owed to the Social Security

Administration resulting from any overpayment stemming from the redetermination in this case.
Id.

On June 7, 2022, this case was referred to the undersigned for disposition. Docket Nos. 5 and 40. Considering that the parties reached an agreement as to the amount to be paid pursuant to the EAJA (Docket No. 38), the Court **GRANTS** Plaintiffs' request for attorney's fees against the United States of America in the amount of \$6,198.55 and \$400.00 in costs, for a total amount of **\$6,598.55**.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 16th day of June 2022.

s/Giselle López-Soler
GISELLE LÓPEZ-SOLER
United States Magistrate Judge